



Environmental
Protection Agency

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

April 30, 2012

RE: HERITAGE – WTI, INC. (WTI)
LQG / TSD
OHD 980 613 541
COLUMBIANA COUNTY
NOTICE OF VIOLATION

Ms. Carrie Beringer
Heritage-WTI, Inc.
1250 St. George Street
East Liverpool, OH 43920

Dear Ms. Beringer:

On March 13, 2012, three employees of Heritage-WTI (WTI) were hospitalized following an exposure to chemicals (aniline) while processing waste.

As a result of the investigation into the incident on March 13, 2012, violations of Ohio's hazardous waste laws in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC), as well as with the facility's State of Ohio Hazardous Waste Facility Installation and Operation Permit, were determined.

The following violations were noted:

1. Section F, Procedures to Prevent Hazards, of the facility's approved Part B permit application, F-4e, which states:

The Permittee ensures that personnel are protected from undue exposure to hazardous waste and hazardous constituents by requiring the use of appropriate personal protective equipment (PPE).

The use of specific PPE was required to be worn by employees while they were processing the waste. PPE was upgraded to be more protective than what was listed on the waste profile to provide appropriate protection for the actual task of processing the waste. The specific upgraded PPE was described during pre-job safety meetings and was listed on each of the pre-job safety forms for the work that occurred on Friday March 9th, Monday March 12th, and Tuesday March 13th. The forms include the signatures of the employees who attended each pre-job safety meeting. The Field Supervisor directly responsible for the Technicians processing the waste also assisted in processing the waste. The Field Supervisor did not wear the upgraded PPE nor did he ensure the employees under his supervision wore the upgraded PPE. It also appears that these employees wore less-protective PPE than even the amount and types of PPE required on the waste profile for general container handling operations.

The employees were not wearing the PPE assigned for the task they were performing. This indicates additional training is necessary, procedures must be revised, and/or additional procedures must be developed. Ohio EPA is aware WTI has already revised several internal mechanisms and/or procedures to address the issues related to the incident that occurred on March 13, 2012. Ohio EPA recognizes that some measures are considered temporary while more in-depth measures are being developed.

To address this violation, WTI must provide a written explanation of the measures that have been enacted to prevent a recurrence of this violation. Please address whether the pre-job safety form or other documents regarding specific waste processing activities have been or will be revised.

2. Section H, Personnel Training, of the facility's approved Part B permit application, H-1a, which states:

The personnel training program conducted by the Permittee prepares facility personnel to safely maintain and operate the facility, in accordance with the standards of OAC 3745-50-44(A) and OAC 3745-54-16. Facility personnel are trained according to their hazardous waste management responsibilities and their response requirements during an emergency.

The job duties as described in Section H for the Field Supervisor include "oversees the safety of the crew to ensure that workers are wearing proper safety equipment and utilizing safe work practices." Training records indicate the employees completed training as required by OAC 3745- 54-16. However, as described above, employees were not wearing required PPE despite completing initial training, annual refresher training, and attending pre-job safety meetings for this specific task where upgraded PPE was assigned and described.

This indicates that training was not effective, since duties were not performed in a way that ensured compliance with the requirements of OAC 3745-54-16.

To address this violation, WTI must conduct retraining of personnel responsible for specific tasks, or oversight of tasks, similar to the waste processing activities that occurred on March 13, 2012. Responsible personnel should include employees, managers, and supervisors within Field Services, managers responsible for areas where waste handling and processing activities occur within the facility, as well as additional personnel as appropriate. Retraining must include, at minimum, existing Standard Operating Procedures (SOPs) and requirements for waste processing, PPE, general awareness and recognition of hazards, and exposures. Documentation of such retraining must be submitted to Ohio EPA.

WTI must provide a description of the internal or procedural modifications that were made for the handling of this material, including changes to this profile as well as similar profiles, assignments of PPE, and any additional requirements made to similar work assignments.

WTI must also provide a description of what will be done differently to ensure safe operations at the facility.

3. OAC 3745-54-15 General Inspection Requirements, which states:

(A)(2) The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to a threat to human health; and

(B)(4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections.

WTI has an extensive inspection program in place. However, the existing inspection program did not detect the lack of required PPE on Field Services employees who were performing waste processing activities. The probability of a human health incident for the tasks conducted by the Field Services employees is higher based on the tasks which may be performed by this group of employees. Informal observations of the Field Services activities were made by WTI personnel, but the incorrect PPE was not recognized to prevent the incident. Therefore, a more formal inspection of the waste processing activities performed on-site by the Field Services employees may be necessary.

To address this violation, the BOP Daily/Weekly Inspection Form (BOP-1-D/BOP-1-W) in Section F, Procedures to Prevent Hazards, of the approved Part B permit application, must be revised to include inspection of issues related to waste processing activities in Bay 2, the External Truck Wash, North Storage Area, and Container Process Building. Submission of the modification to Section F must occur within 30 days of receipt of this NOV.

Ohio EPA suggests WTI develop a specific daily inspection form for the Field Services activities that include waste processing when those activities are conducted on-site. Consider a pre-job, periodic during the job, and post-job inspection that includes delineation of safety zones, assigned PPE, evaluation of exposures, whether waste is odorous, whether respirators are required, and any other task-specific health and safety plan requirements, at minimum.

In addition, WTI must provide a description of the methods and procedures that have been revised or created to ensure safe operations at the facility.

WTI has also implemented several changes to internal procedures as a result of this incident. WTI must evaluate whether those changes will necessitate revisions to the approved Part B permit application, Section C, Waste Analysis Plan (WAP), and discuss any changes with Ohio EPA personnel. If revisions to the WAP or any other portion of the approved Part B permit application are deemed necessary, include a time frame for submission of those modifications.

WTI needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws and rules. Within **14 days** of receipt of this letter, WTI must provide the above-requested documentation to Ohio EPA including the steps taken to abate the violations cited above. Documentation may be submitted via the postal service or electronically to michelle.tarka@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, WTI is requested to submit written correspondence of the steps that will be taken by a date certain to attain compliance.

If you have any questions, please contact me at the East Liverpool Field Office at (330) 385-8421.

Sincerely,

for 
Michelle Tarka
Environmental Specialist
Division of Materials and Waste Management

MT:ddw

cc: Michelle Tarka, DMWM, NEDO
Frank Popotnik, DMWM, NEDO

ec: Natalie Oryshkewych, DMWM, NEDO
Marlene Kinney, DMWM, NEDO
John Nyers, DMWM, CO
Jeff Mayhugh, DMWM, CO

Keywords: NOV, analine, PPE